

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CRIM 851

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UNITED STATES OF AMERICA :

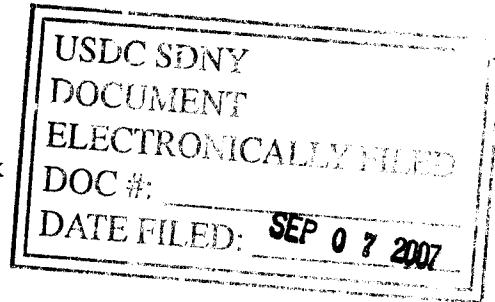
**INDICTMENT**

- v. - :

07 Cr. \_\_\_\_ :

HENRY A. GARCIA,  
a/k/a "Henry Alfonso Garcia,"  
EVERTH YOSELL GARCIA MONGE, and  
ALFONSO MANUEL GARCIA VALVERDE,

Defendants.  
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COUNT ONE

The Grand Jury charges:

1. From at least in or about July 2006, up to and including on or about August 3, 2007, in the Southern District of New York and elsewhere, HENRY A. GARCIA, a/k/a "Henry Alfonso Garcia," EVERTH YOSELL GARCIA MONGE, and ALFONSO MANUEL GARCIA VALVERDE, the defendants, unlawfully, willfully, and knowingly, and with intent to defraud, in an offense affecting interstate and foreign commerce, did traffic in and use one and more unauthorized access devices during any one-year period, and by such conduct obtained things of value aggregating \$1,000 and more during that period, to wit, GARCIA, GARCIA MONGE, and GARCIA VALVERDE used credit cards that they obtained, without authorization, in the names of other individuals and used those

cards to make purchases and withdraw cash over a one year period in excess of \$1,000.

(Title 18, United States Code, Sections 1029(a)(2), (b)(1) and 2.)

COUNT TWO

The Grand Jury further charges:

2. From at least in or about July 2006, up to and including on or about August 3, 2007, in the Southern District of New York and elsewhere, HENRY A. GARCIA, a/k/a "Henry Alfonso Garcia," EVERTH YOSELL GARCIA MONGE, and ALFONSO MANUEL GARCIA VALVERDE, the defendants, during and in relation to the offense charged in Count One of this Indictment, unlawfully, willfully, and knowingly, did transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, GARCIA, GARCIA VALVERDE, and GARCIA MONGE possessed, used, and transferred the name and other personal identification information of another person to commit access device fraud as charged in Count One of this Indictment.

(Title 18, United States Code, Section 1028A and 2.)

FORFEITURE ALLEGATION AS TO COUNT ONE

3. As the result of committing the offense in violation of Title 18, United States Code, Section 1029, alleged in Count One this Indictment, HENRY A. GARCIA, a/k/a "Henry Alfonso Garcia," EVERTH YOSELL GARCIA MONGE, and ALFONSO MANUEL

GARCIA VALVERDE, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(B), all property that constitutes or is derived from proceeds that the defendants obtained directly or indirectly from the commission of the offenses, including but not limited to:

a. A sum of money representing the amount of proceeds obtained as a result of the said offenses, for which the defendants are jointly and severally liable.

4. As the result of committing the offense in violation of Title 18, United States Code, Section 1029, alleged in Count One of this Indictment, HENRY A. GARCIA, a/k/a "Henry Alfonso Garcia," EVERTH YOSELL GARCIA MONGE, and ALFONSO MANUEL GARCIA VALVERDE, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 1029(c)(1)(C), all personal property used and intended to be used to commit the offense alleged in Count One of this Indictment.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the

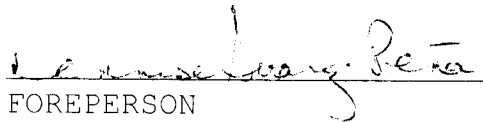
Court;

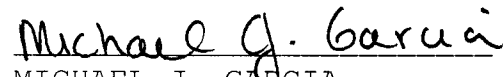
(d) has been substantially diminished in value; or

(e) has been commingled with other property which  
cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C.  
§ 853(p), to seek forfeiture of any other property of said  
defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 982 and 1029.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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SOUTHERN DISTRICT OF NEW YORK

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INDICTMENT

07 Cr. \_\_\_\_\_

(18 U.S.C. §§ 1029(a)(2), (b)(1); &  
1028A.)

\_\_\_\_\_  
MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

\_\_\_\_\_  
Dennise Suarez-Pena  
Foreperson.

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Dennise Suarez-Pena

Case assigned to Berman

MJ Goversen

9/7/07  
(85)